IN RE: PETITION FOR ZONING VARIANCE \* W/S Shenton Road, 225' S of the c/l of Southall Road (3918 Shenton Road) 2nd Election District 2nd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 88-419-A Howard W. Carter, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 6 feet for an open carport addition, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Mr. Mark Fulco, the adjoining property owner, appeared and testified as a Protestant.

Testimony indicated that the subject property, zoned D.R. 5.5, is located at 3918 Shenton Road. The Petitioners purchased the property in August 1986. They recently contracted for and commenced construction of an open carport attached to the existing dwelling. As a result of a zoning complaint filed in December, they received notice from the Zoning Enforcement Division that a variance was necessary as the carport was constructed closer than the 6-foot required setback. Accordingly, the Petitioners filed the instant Petition.

Testimony indicated that the carport is necessary to provide protection and shelter for one of their automobiles, whose value exceeds \$40,000, and to enhance the value of their property. The Petitioners testified that protection s needed not only from inclement weather but also droppings from trees and Mirds. Testimony indicated that previously, a car cover was placed on the vehicle each day. The Petitioners further testified that the carport was being built in a manner compatible with their home and surrounding neighborhood.

Mr. Fulco testified that he was opposed to the project as he did not feel the Petitioners needed the proposed carport for the particular car in ques-

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494 3353 J. R bert Haines

Mr. & Mrs. Howard W. Carter 3918 Shenton Road Randallstown, Maryland 21133

Re: Petition for Zoning Variance Dennis F. Rasmussen Case number: 88-419-A

Date: 4/6/84

W/S Shenton Road, 225' S c/1 Southall Road (3918 Shenton Road) 2nd Election District - 2nd Councilmanic District Petitioner(s): Howard W. Carter, et ux HEARING SCHEDULED: FRIDAY, APRIL 22, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Carter: Please be advised that 679% is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time

it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before building, noom and achodulad to begin.

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tion any more than for the other two cars they owned. Mr. Fulco indicated he was concerned about a potential water runoff problem. He testified that in the past, he had experienced flooding problems on a regular basis but that he has since taken corrective measures. He further indicated that he was concerned the open carport was in violation of the neighborhood association's covenants. However, he indicated he had not checked the covenants due to lack of time.

KERNETH THE PROPERTY OF THE PR

It was explained to the Petitioners and Mr. Fulco that this public hearing was not the proper forum at which to enforce any neighborhood covenants and that any Order issued does not waive any covenants that are recorded in the Land Records of Baltimore County.

The Petitioners indicated that they have no problem with flooding and would have a gutter system installed which would insure that runoff was similar to the current situation and not onto Mr. Weber's property.

It was clear at the hearing that the Petitioners and their neighbors do not get along and there is no communication between them at all.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

variance, the Petitioner must meet the following: whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

11:1

FEB. 29 1988

NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance Case musber: 88-419-A W/S Shenton Road, 225' S c/l Southall Road (3918 Shenton Road) 2nd Election District - 2nd Councilmanic District Fetitioner(s): Howard W. Carter, et ux HEARING SCHEDULED: FRIDAY, APRIL 22, 1938 at

Variance to permit a side yard setback of 2 feet in lieu of the required 6 feet for an open carport addition.

BALTIMORE COUNTY, MA OFFICE OF FINANCE REVENU MISCELLANEOUS CASH RE	RYLAND E DIVISION		47506	ing permit may be issued with oner will, however, enter during this period for g ved in this office by the
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and the control of th

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of April, 1988 that a side yard setback of 2 feet in lieu of the required 6 feet for an open carport addition, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its riginal condition.

2) The open carport shall have a gutter system designed to insure there will be no water runoff onto the adjoining pro-

> A H Naskrousing ANN M. NAGTAROWICZ Deputy Zoning Commissioner of Baltimore County

88-419-17 CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY Towns, Maryland

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/ Signature	

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the number of the number of the state of the	the third publication appear	

THE MORTHWEST STAR

10 manaanage**r** ost of Advertisement

THE PROPERTY IS

NOTICE OF HEARING

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.8 1211.3. 301.11 to permit a side yard setback of 2 ft. in lieu of the required 6 ft. for an open carport addition.

MB MBJ of the Loning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty)

1. Increase value of home.

2. Investment protection - \$46,000.00 Automobile.

3. Decrease possibility of auto theft.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

> I/We do solemnly declare and affirm, under the penalties of perjury, that 1/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): .UCVARD. W.\_CABTER.\_\_\_\_

Contract Purchaser: (Type or Print Name) LINDA M. CARTER )Attorney for Petitioner: Work #521-2735 3918 Shenton Road Home #655-0410 Randallstown, Maryland 21133 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted ·----City and State Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this day comes, on the 27 nd day of Africa, 19 N, at 9 o'clock

J. Robert Spines ESTIMATE TO OF HEARING (-1/2HR) ./AILABLE FOR HEATING MEN / (USS. / WED. - NEXT TWO MONTHS ALL \_\_\_\_OTHER . REVIEW BY: LLCA DATE 1/28/88

ZONING DESCRIPTION

BEGINNING on the westside of Shenton Road, 225 ft. south of the centerline of Southall Road. Being Lot #12, Block I, Section 2, THE WOODLANDS Book 31, Folio 95. Also being known as #3918 Shenton Road in the 2nd Election District, containing 8,100 square feet.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11. 11. 11. 12. 19. 1. 3 The Zoning Commissioner of Bal-timore County, by authority of the Ziming Act and Regulations of Balti-more County will hold a public hearing on the property identified ferrein in Roum 10h of the County Other Building, located at 113 W Chesapeake Avenue in Toursen, THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed deviced as bridges Pronon for Zoning Variance Case Number 88-419-A W.S. Shenton Road, 225' S. c. and published in Towson, Baltimore County, Md., appearing on 13. 4.10h 3/10 XX Southall Road (1918 Sheeton School) 2nd Electron District Hearing Date Friday April 22, 1988 at 9:00 a m.

THE JEFFERSONIAN,

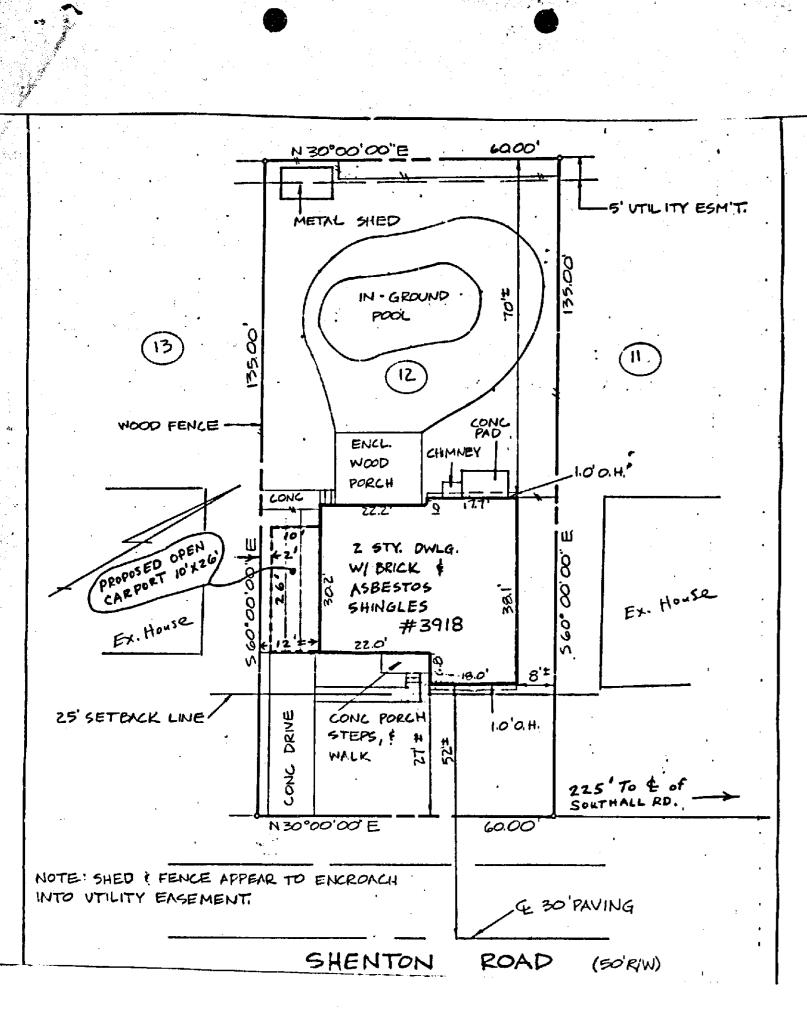
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their for an open carport addition. in the event that this Press is in granted a business permit that he nound within the thirty (30) day apped period. The Luxue Cumm maner will beings or, rescribin a technical for a stay of the monature of good come shown back request an bettern bas hunting and secured in the other by the date of the he's are above on presented at the book

I BY MERT HARA

Zuning Commissioner i Bally-sale County



PLAT FOR ZONING VARIANCE

FOR! Howard W. Carter 3918 Shouton Rd.

Randallstown, Md 21133

2nd E/pel. Dist., Zoning DR 5.5 The state of the s DEED REFERENCE: 4948/510

LOT IZ SECTION & BLOCK'I' THE WOODLANDS

D: 31/95 ELECT. DIST. Z BALTO. CO., MD. Scale 1" = 20', 8100 59. ft.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this lst day of February , 1988.

Petitioner Howard W. Carter, et ux Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

lection District LOCATION: W/S Shenton Road, 225' S c/1 Southall Road (3918 Shenton Road) Hearing: Friday, April 22, 1988 at 9:00 a.m. Petitioner(s): Howard W. Carter, et ux

Variance to permit a side yard setback of 2 feet in lieu of the required 6 feet for an open carport of addition. Posted 4-5-88 in funt of 3918 Shinton Rd-STEVE POST BY: 4/7/88

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WOODLANDS ELECT. DIST. 2 BALTO. CO. MD. RECEIVED for Record JUL 12 1968 st JUL 12 1900

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> Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 269, 270, 271, 272, 273, 275, 276, 277 and 278.

Michael S. Flanigan Traffic Engineer Associate II

March 2, 1988

Dennis F. Rasmussen

Very truly yours,

MSF/pml-b

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines

TO Zoning Commissioner P. David Fields

FROM Director of Planning and Zoning Zoning Petition Nos. 88-419-A 88-420-A, 88-421-A, 88-422-A, SUBJECT\_88-437-A, 88-438-A, 88-439-A

P. David Fields per follow

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



Dennis F. Rasmussen

cc: Thomasa Cartin)

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

Gentlemen:

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204 Re: Property Owner: Howard W. Carter, et ux

Location: W/S Shenton Rd. 225' S. c/l Southhall Road

Item No.: 276 Zoning Agenda: Meeting of 2/9/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

February 4, 1988

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department. ( ) 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or Leginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

/jl

Date March 24, 1988

There are no comprehensive planning factors requiring comment on this



After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

LOCATION OF VIOLATION 3918 Shenton Road Randallstown, ND 21133

BALLMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Please be advised that the aforementioned petition is the subject of an

active violation case. When the petition is scheduled for a public hearing,

Date Pobruery 2, 1988

ADDRESS 3918 Sheaton Road

3921 Shenton Road

Randallstown, MD 21133

Zoning Superviser

FROM Zoning Enforcement Coordinator

Item No.: 276 (if know SUBJECT Petitioner: Roward Carter

James Thompson

VIOLATION CASE & C-RE-11RE

DEFENDANT Howard Carter

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 15, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

MEMBERS

Mr. Howard W. Carter, et ux 3918 Shenton Road Randallstown, Maryland 21133

the requested zoning.

RE: Item No. 276 - Case No. 88-419-A Petitioner: Howard W. Carter, et ux Petition for Zoning Variance

Buteau of Engineering Department of Traffic Engineering State Roads Commission Sureau of Fire Prevention

Health Department Project Planning Building Department Board of Education Ioning Administration Industrial

Dear Mr. Carter: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of

Enclosed are all comments submitted from the members of the Cormittee at this time that offer or request information on your petition. If at this time that order or request information on your periclos. It similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. The petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

JANES E. DYER Chairman Zoning Plans Advisory Committee

Enclosures